

# EXHIBIT A

**Hu, Chelsea**

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**From:** Alison L. Anderson <alanderson@bsflp.com>  
**Sent:** Thursday, June 12, 2025 7:53 PM  
**To:** Toker, Naiara; Corbo, Isabella McKinley; Ryan McGee; Santacana, Eduardo E.; Flórez, Argemira; FIREBASE-WFGE  
**Cc:** Chris Pollack x24056 (via googleteam list)  
**Subject:** RE: Rodriguez v Google; Proposal re: Certain Topics at Trial

\*\*\* EXTERNAL EMAIL \*\*\*

Counsel,

Please see our responses below in blue.

Thank you,  
Alison

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**From:** Toker, Naiara <NToker@willkie.com>  
**Sent:** Thursday, June 12, 2025 8:59 AM  
**To:** Corbo, Isabella McKinley <ICorbo@willkie.com>; Ryan McGee <rmcgee@forthepeople.com>; Santacana, Eduardo E. <ESantacana@willkie.com>; Flórez, Argemira <AFlorez@willkie.com>; FIREBASE-WFGE <FIREBASE-WFGE@willkie.com>  
**Cc:** Chris Pollack x24056 (via googleteam list) <googleteam@simplelists.susmangodfrey.com>  
**Subject:** RE: Rodriguez v Google; Proposal re: Certain Topics at Trial

Counsel,

Adding one more stipulation that was discussed at the M+C and that was being considered by your team. Please let us know if the below would be agreeable to you. Thank you.

1. At the class trial, no party shall place undue emphasis on any specific third-party app or the nature of data collected by these apps.

Evidence of specific third-party apps that incorporate the Google SDKs at issue in this litigation, or of the nature of data collected by these apps, is

admissible solely to the extent these apps are listed in Paragraph 2 below and solely as illustrative examples of Plaintiffs' claims. In particular, such evidence and argument may not be used in such a manner as to become a central feature of Plaintiffs' case. **[Plaintiffs do not agree.]**

2. Notwithstanding Paragraph 1, no party shall introduce, or elicit through witness testimony, any evidence, documents, or argument regarding any specific third party app that is not listed in this paragraph: Accuweather, Acrobat Reader, Alarm Clock for Me, Ali Express, Alibaba, Amazon Prime Video, Applebee's, Aqua Mail, Avast Cleanup, Avast Antivirus – Scan & Remove Virus, Baseball Superstars 2020, Best Buy, Bixby Vision, Call of Duty, Calm, Candy Crush, CBS Sports, Chili's, Clawee, Cleaner, Craigslist, Dairy Queen, Discord, Domino's, DoorDash, Duolingo, eBay, ESPN, ESPN Fantasy, Facebook Messenger, File Viewer for Android, FuboTV, Fulldive VR, Gangstar 4, GIPHY, Glassdoor, Gold Fish, GoMLSmiame, Groupon, Grubhub, Indeed Job Search, Instagram, Instagram Repost, Jackpot Party, Jaybird, Jetpack, Jimmy John's, Letgo, LinkedIn, Little Ceasars, Lyft, MapMyRide,, McDonald's MixerBox, MX Player, Nest, Netflix, New York Times, Nextdoor, NFL, Ninja's Creed, NPR One, NPR News, OfferUp, Outlook, Pandora, ParkMobile, PicCollage, Pocket, Pocket Casrs, Pokerrr2, Pollo Tropical, Postmates, Premier League, Publix, Publix Instacart, RaceTrac, RAR, Relay for Reddit, Samsung Internet, Samsung Member, Samsung Notes, Samsung Print Service Plugin, Shazam, Skillshare, Slack, Sleep Cycle, Slingshot Stunt Driver, Sonos S1, SOPlayer, SoundCloud, Spotify, Stack Colors, Starbucks, Steam, Talon, Target, Tesla, The Economist, The Athletic, The Grand Mafia, The Score, The Weather Channel, Tiles Hop, [Trip.com](https://www.trip.com), Trivago, Uber, Uber Eats, Udemy, USPS Mobile, Walmart, Wattpad, Waze, WhatsApp, Wish, WordPress, Xfinity, Xfinity Mobile, Xfinity My Account, X (Twitter), Yelp, Your Phone Comparison, Zillow, ZipRecruiter, Zoho Mail, Zoom. **[Plaintiffs do not agree.]**

**Naiara Toker**  
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 Pronouns: she, her, hers

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**From:** Corbo, Isabella McKinley <[Corbo@willkie.com](mailto:Corbo@willkie.com)>  
**Sent:** Thursday, June 12, 2025 12:14 AM  
**To:** Ryan Joseph McGee x3030 <[rmcgee@forthepeople.com](mailto:rmcgee@forthepeople.com)>; Santacana, Eduardo E. <[ESantacana@willkie.com](mailto:ESantacana@willkie.com)>; Flórez, Argemira <[AFlorez@willkie.com](mailto:AFlorez@willkie.com)>; FIREBASE-WFGE <[FIREBASE-WFGE@willkie.com](mailto:FIREBASE-WFGE@willkie.com)>  
**Cc:** Chris Pollack x24056 (via googleteam list) <[googleteam@simplelists.susmangodfrey.com](mailto:googleteam@simplelists.susmangodfrey.com)>  
**Subject:** RE: Rodriguez v Google; Proposal re: Certain Topics at Trial

Counsel,

Following off of our previous discussions, Google would like to circle back on the two stipulations below, both of which you represented were being considered by your team. Would these proposals be agreeable to Plaintiffs in an effort to narrow our disputes ahead of trial?

1. No party shall introduce, or elicit through witness testimony, any evidence, documents, or argument for the purpose of showing that any class member, including a named Plaintiff, suffered any form of individualized, non-economic injury.
2. No party shall introduce, or elicit through witness testimony, any evidence, documents, or argument for the purpose of showing that any third party application failed to comply with Google's Terms of Service or any other Google disclosure.

Thank you,  
Isabella

**Isabella McKinley Corbo**  
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Pronouns: she, her, hers

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**From:** Ryan Joseph McGee x3030 <[rmcgee@forthepeople.com](mailto:rmcgee@forthepeople.com)>  
**Sent:** Wednesday, June 4, 2025 6:07 AM  
**To:** Santacana, Eduardo E. <[ESantacana@willkie.com](mailto:ESantacana@willkie.com)>; Flórez, Argemira <[AFlorez@willkie.com](mailto:AFlorez@willkie.com)>; FIREBASE-WFGE <[FIREBASE-WFGE@willkie.com](mailto:FIREBASE-WFGE@willkie.com)>  
**Cc:** Chris Pollack x24056 (via googleteam list) <[googleteam@simplelists.susmangodfrey.com](mailto:googleteam@simplelists.susmangodfrey.com)>  
**Subject:** Re: Rodriguez v Google; Proposal re: Certain Topics at Trial

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That works, would you please send an invite?

**Ryan Joseph McGee**

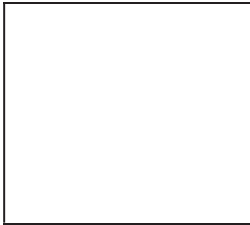
Attorney

My Bio

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**From:** Santacana, Eduardo E. <[ESantacana@willkie.com](mailto:ESantacana@willkie.com)>

**Sent:** Tuesday, June 3, 2025 10:41:24 PM

**To:** Ryan Joseph McGee x3030 <[rmcgee@forthepeople.com](mailto:rmcgee@forthepeople.com)>; Flórez, Argemira <[AFlorez@willkie.com](mailto:AFlorez@willkie.com)>; FIREBASE-WFGE <[FIREBASE-WFGE@willkie.com](mailto:FIREBASE-WFGE@willkie.com)>

**Cc:** Chris Pollack x24056 (via googleteam list) <[googleteam@simplelists.susmangodfrey.com](mailto:googleteam@simplelists.susmangodfrey.com)>

**Subject:** RE: Rodriguez v Google; Proposal re: Certain Topics at Trial

How about 9am pt?

**EduardoE.Santacana**

**Willkie Farr & Gallagher LLP**

333 Bush St |San Francisco,CA94104

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Pronouns: he, him, his

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**From:** Ryan Joseph McGee x3030 <[rmcgee@forthepeople.com](mailto:rmcgee@forthepeople.com)>  
**Sent:** Tuesday, June 3, 2025 7:17 PM  
**To:** Santacana, Eduardo E. <[ESantacana@willkie.com](mailto:ESantacana@willkie.com)>; Flórez, Argemira <[AFlorez@willkie.com](mailto:AFlorez@willkie.com)>; FIREBASE-WFGE <[FIREBASE-WFGE@willkie.com](mailto:FIREBASE-WFGE@willkie.com)>  
**Cc:** Chris Pollack x24056 (via googleteam list) <[googleteam@simplelists.susmangodfrey.com](mailto:googleteam@simplelists.susmangodfrey.com)>  
**Subject:** Re: Rodriguez v Google; Proposal re: Certain Topics at Trial

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I am relatively open, and would prefer no later than 2p PT.

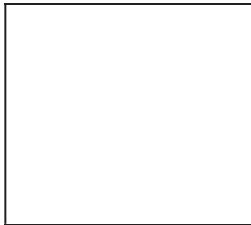
How about proposing a few times and we'll figure out what works on our side?

**Ryan Joseph McGee**

Attorney  
My Bio

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**From:** Santacana, Eduardo E. <[ESantacana@willkie.com](mailto:ESantacana@willkie.com)>  
**Date:** Tuesday, June 3, 2025 at 10:06 PM  
**To:** Ryan Joseph McGee x3030 <[rmcgee@forthepeople.com](mailto:rmcgee@forthepeople.com)>, Flórez, Argemira <[AFlorez@willkie.com](mailto:AFlorez@willkie.com)>, FIREBASE-WFGE <[FIREBASE-WFGE@willkie.com](mailto:FIREBASE-WFGE@willkie.com)>  
**Cc:** Chris Pollack x24056 (via googleteam list) <[googleteam@simplelists.susmangodfrey.com](mailto:googleteam@simplelists.susmangodfrey.com)>  
**Subject:** RE: Rodriguez v Google; Proposal re: Certain Topics at Trial

Ryan,

You have some stips you want and we have some we want. I think we can work together, and there is plenty of time before MILs are due to do so.

When are you available tomorrow?

Thanks,  
Eduardo

**Eduardo E. Santacana**  
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Pronouns: he, him, his

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**From:** Ryan Joseph McGee x3030 <[rmcgee@forthepeople.com](mailto:rmcgee@forthepeople.com)>  
**Sent:** Tuesday, June 3, 2025 3:32 PM  
**To:** Flórez, Argemira <[AFlorez@willkie.com](mailto:AFlorez@willkie.com)>; FIREBASE-WFGE <[FIREBASE-WFGE@willkie.com](mailto:FIREBASE-WFGE@willkie.com)>; Santacana, Eduardo E. <[ESantacana@willkie.com](mailto:ESantacana@willkie.com)>  
**Cc:** Chris Pollack x24056 (via googleteam list) <[googleteam@simplelists.susmangodfrey.com](mailto:googleteam@simplelists.susmangodfrey.com)>  
**Subject:** Re: Rodriguez v Google; Proposal re: Certain Topics at Trial

\*\*\* EXTERNAL EMAIL \*\*\*

Hi Argemira,

We emailed the discrete list of topics for anticipated motions in limine that should have been agreeable. We are disappointed that Google took six weeks to basically inform that there's no agreement. For example, Plaintiffs sought the straightforward agreement that their work against Google in other cases would not be raised at trial, but Google has now turned that into a proposal that Google's pattern and practice of deception and bad conduct cannot be raised at trial.

We were hopeful that this would be a productive process, but it is clear that Google has now weaponized it to obtain their own stipulations on matters that had never been raised in this case. We will proceed with our motions in limine practice.

Responding to Google's proposed stipulations:

- Google's total revenues for the relevant period – we do not agree to this limitation;
- Plaintiffs' emotional distress – we do not understand, but can meet and confer to further discuss;
- Third Party Apps – we do not understand, but can meet and confer to further discuss;
- Any particular app – we do not understand, but can meet and confer to further discuss;
- Bifurcation – we can meet and confer to further discuss.

Please let us know your availability.

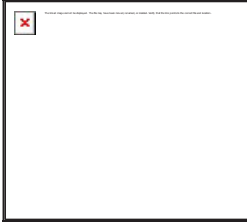
Thanks,  
Ryan

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**From:** Flórez, Argemira <[AFlorez@willkie.com](mailto:AFlorez@willkie.com)>

**Date:** Tuesday, June 3, 2025 at 2:35 AM

**To:** Ryan Joseph McGee x3030 <[rmcgee@forthepeople.com](mailto:rmcgee@forthepeople.com)>, FIREBASE-WFGE <[FIREBASE-WFGE@willkie.com](mailto:FIREBASE-WFGE@willkie.com)>, Santacana, Eduardo E. <[ESantacana@willkie.com](mailto:ESantacana@willkie.com)>

**Cc:** Chris Pollack x24056 (via googleteam list) <[googleteam@simplelists.susmangodfrey.com](mailto:googleteam@simplelists.susmangodfrey.com)>

**Subject:** RE: Rodriguez v Google; Proposal re: Certain Topics at Trial

**CAUTION:** Use caution when clicking on links or opening attachments in this external email.

Hi Ryan – let us know if you have time this week to meet and confer about our proposals or if we can go ahead and draft stipulation for the Court for your review in line with our proposals.

Thank you,  
Argemira

Argemira Flórez  
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**From:** Flórez, Argemira <[AFlorez@willkie.com](mailto:AFlorez@willkie.com)>  
**Sent:** Monday, May 26, 2025 11:11 PM  
**To:** Ryan Joseph McGee x3030 <[rmcgee@forthepeople.com](mailto:rmcgee@forthepeople.com)>; FIREBASE-WFGE <[FIREBASE-WFGE@willkie.com](mailto:FIREBASE-WFGE@willkie.com)>; Santacana, Eduardo E. <[ESantacana@willkie.com](mailto:ESantacana@willkie.com)>  
**Cc:** Chris Pollack x24056 (via googleteam list) <[googleteam@simplelists.susmangodfrey.com](mailto:googleteam@simplelists.susmangodfrey.com)>  
**Subject:** RE: Rodriguez v Google; Proposal re: Certain Topics at Trial

Hi Ryan,

See below our responses to your proposed stipulations. We have also included our own additional proposals at the end. We are available to meet and confer, if you would like, but are otherwise happy to draft a stipulation for the Court for your review in line with our proposals.

| Plaintiffs' Proposals   | Google's Response  |
|---|--|
| That this litigation is "lawyer driven" and motivated by attorneys' fees                                | Google does not agree.   |
| The size and profitability of Plaintiffs' law firms and the type of work done by those firms            | Please draft a proposed stipulation for Google's review.   |
| Plaintiffs' counsel's work and representation of plaintiffs in other privacy litigation against Google; | Counter proposal:<br><br>The Parties agree that at trial there should be no reference to and/or introduction of evidence of Google's alleged past wrongs, including but not limited to allegations made and the outcome of litigation against Google. Including, but not limited to, the following cases:<br><i>Calhoun v. Google LLC</i> , Case No.: 20-CV-05146-LHK,<br>United States District Court, N.D. California (2021);<br><i>Brown v. Google, LLC</i> , Case No.: 4:20-cv-3664-YGR, United States District Court, N.D. California (2021); |

|  |  |
|--|--|
|  | <p>Other cases alleging wrongdoing from Google relating to Incognito mode (<i>e.g., Luna, et. al. v. Google LLC</i>, Case No.: 24CV434093, Superior Court Santa Clara County (2024));</p> <p><i>State of Arizona, ex rel. Mark Brnovich, Attorney General v. Google, LLC</i>, Case No.: CV2020-006219, Superior Court of Arizona - Maricopa County (2020);</p> <p><i>State of Texas v. Google LLC</i>, Case No.: CV58999, District Court Midland County, Texas (2022);</p> <p><i>State of Texas v. Google, Victoria County Sup. Ct.</i> Case No.: 22-01-88230-D, District Court of Victoria County, Texas (2022);</p> <p><i>Australian Competition and Consumer Commission v Google LLC</i>, (No 2) FCA 1476, Federal Court of Australia (2019).</p> <p>As a result, the Parties agree that at trial there should be no discussion of Plaintiffs' counsel's work and representation of plaintiffs in other privacy litigation against Google.</p> <p>This stipulation does not limit a party's ability to cross-examine or impeach an expert witness relating to a prior opinion, even if that prior opinion was rendered in a case involving Google as a party.</p> |
| That evidence and documents produced in this case have been used in other cases    | <p>Counter proposal:</p> <p>The Parties agree that at trial they shall not represent that evidence and documents produced in this case have been used to support any plaintiffs' claims against Google in other matters except that the Parties, and their witnesses, may discuss it in the context of a document that requires disclosing that fact to lay foundation for a document or otherwise support that party's claims or defenses.</p>  |
| Evidence and argument related to plaintiffs who voluntarily dismissed their claims | Google does not agree.   |

**Google's proposed stipulations:**

The Parties agree that at trial the Parties shall not discuss or reference:

Google's total revenue for the years 2016 through 2024; and

Assertions that Plaintiffs suffered emotional harm or distress as a result of Google's alleged behavior. Nor should Plaintiffs represent or testify that emotional distress should be considered when awarding damages. *See* Dkt. 445 (Order denying MSJ) at 13 ("Plaintiffs have offered no models or explanations for how these harms apply across the classes, and at the hearing, Plaintiffs' counsel admitted that if emotional harm was Plaintiffs' sole theory of harm, only nominal damages would be available to the class."); and

Assertions that third party apps did not comply with Google's Terms of Service to disclose their use of Google Analytics for Firebase throughout the class period; and

Any particular app, given that differentiation of apps could lead to decertification.

Finally, will Plaintiffs agree to bifurcate trial such that the discussion of punitive damages occurs in the second phase? Google believes that the evidence regarding Defendant's potential liability for punitive damages should be presented in the second phase of trial along with any evidence related to the amount of punitive damages Defendant may be liable for.

Proposed language:

The Parties stipulate to the bifurcation of trial such that discussion of Defendant's liability for punitive damages and any potential discussion of the amount of punitive damages the Defendant may be found liable for is heard at a separate stage of trial from liability for compensatory damages. Specifically, the Parties agree that evidence regarding Defendant's potential liability for punitive damages should be presented in the second phase of trial along with any evidence related to the amount of punitive damages the Defendant may be liable for and only if the jury first finds Defendant liable in the first phase of trial. The Parties believe that this bifurcation would aid in accomplishing an expeditious and economic trial as the jury may never reach the issue of punitive damages.

Thank you,  
Argemira

**Argemira Flórez**  
**Willkie Farr & Gallagher LLP**  
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**From:** Ryan Joseph McGee x3030 <[rmcgee@forthepeople.com](mailto:rmcgee@forthepeople.com)>

**Sent:** Monday, April 14, 2025 7:34 PM

**To:** FIREBASE-WFGE <[FIREBASE-WFGE@willkie.com](mailto:FIREBASE-WFGE@willkie.com)>; Santacana, Eduardo E. <[ESantacana@willkie.com](mailto:ESantacana@willkie.com)>

**Cc:** Chris Pollack x24056 (via googleteam list) <[googleteam@simplelists.susmangodfrey.com](mailto:googleteam@simplelists.susmangodfrey.com)>  
**Subject:** Rodriguez v Google; Proposal re: Certain Topics at Trial

\*\*\* EXTERNAL EMAIL \*\*\*

Eduardo,

Plaintiffs believe that there are some topics that should not come up at trial in August. It would be efficient to discuss those now in advance of other motions in limine that the parties are considering and will later meet and confer on. We are hopeful that Google agrees. Those topics include:

- That this litigation is "lawyer driven" and motivated by attorneys' fees;
- The size and profitability of Plaintiffs' law firms and the type of work done by those firms;
- Plaintiffs' counsel's work and representation of plaintiffs in other privacy litigation against Google;
- That evidence and documents produced in this case have been used in other cases; and
- Evidence and argument related to plaintiffs who voluntarily dismissed their claims.

If Google agrees, we can send a stipulation for your review. To the extent you wish to discuss or do not agree, please let us know when you are available to meet and confer this week via videoconference.

Thanks,  
Ryan

**Ryan Joseph McGee**  
Attorney  
My Bio

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